

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ED BUTOWSKY,**

**Plaintiff,**

**V.**

DAVID FOLKENFLIK, et al.,

## Defendants.

**§**

**CASE NO. 4:18-cv-00442-ALM**

## **EXHIBIT LIST TO REPLY**

Exhibit A Declaration of Laura Lee Prather

- |              |                                                                                                                                                                    |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exhibit A-1. | Email from Butowsky to Zimmerman and Wheeler instructing them not to contact Sy Hersh dated March 8, 2017 (Butowsky 442-443)                                       |
| Exhibit A-2. | Text messages between Butowsky, Wheeler, and Kash Patel (aka Dee O.) dated April 27, 2017 – May 4, 2017 (Wheeler 877-880)                                          |
| Exhibit A-3. | Text messages between Butowsky, Wheeler and Kash Patel dated April 27, 2017 – May 4, 2017 (Wheeler 940-941)                                                        |
| Exhibit A-4. | Email from Butowsky to Sy Hersh inviting Hersh to lunch dated April 20, 2017 (Butowsky 296)                                                                        |
| Exhibit A-5. | Emails between Butowsky and Sy Hersh in which Hersh corrects Butowsky on his mistaken assumptions about their prior conversation dated May 5, 2017 (Butowsky 992)  |
| Exhibit A-6. | Emails between Butowsky and Sy Hersh in which Hersh corrects Butowsky on his mistaken assumptions about their prior conversation dated June 2, 2017 (Butowsky 871) |
| Exhibit A-7. | Emails between Butowsky and Sy Hersh in which Butowsky asks Hersh for the name of his alleged source dated June 2, 2017 through June 27, 2017 (Butowsky 869)       |

- Exhibit A-8. Emails between Zimmerman and Greg Wilson in which Zimmerman explains the NSA source is speaking with Butowsky and Wilson explains why the story is flawed dated May 18-19, 2017 (Butowsky 1044-1045)
- Exhibit A-9. Email between Wheeler and Butowsky dated May 20, 2017 in which Wheeler states: “I just noticed ‘my response’ posted on your Facebook page ... I never approved of this ‘response.’” (Wheeler 419-420)
- Exhibit A-10. Email from Butowsky to Lawrence Meyers re: Wheeler’s response to the Rich family (Butowsky 402)
- Exhibit A-11. Emails between Butowsky and Zimmerman in which Butowsky drafts statement for Fox News to issue in response to Rich family’s complaints about the article dated May 19-20, 2017 (Butowsky 1089-1091)
- Exhibit A-12. Emails between Joel Rich and Butowsky from February 28, 2017 through March 3, 2017 (Butowsky 978-980)
- Exhibit A-13. Email from March 4, 2017 with draft of article including Wheeler quotes that need to be confirmed. “He might want some of these to not be attributed to him” (Butowsky 340-343)
- Exhibit A-14. Copy of contract between Wheeler and the Rich family, filed by Butowsky in *Rich, et al. v. Fox News Network LLC*, Case No. 1:18-cv-02223-GBD (S.D.N.Y.) (Dkt 54-1).
- Exhibit A-15. Email correspondence from Zimmerman to Wheeler showing contract with apparently altered March 1, 2017 date and blank space for Wheeler’s signature. (Wheeler 390-392)
- Exhibit A-16. Email correspondence from Butowsky to Wheeler dated May 16, 2017 suggesting to Wheeler, “You might print off and sign your name then take a picture of it and send it to wherever it needs to be. I think that would be a very smart idea.” (Wheeler 348-349)
- Exhibit A-17. Email correspondence from Butowsky to Joel Rich dated March 3, 2017 containing draft contract between Wheeler and Joel Rich. (Butowsky 473-476).
- Exhibit B Sally Davis Declaration dated March 13, 2020